

SEP 04 2015

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF VIRGINIA
Roanoke Division

PARVINDER SETHI,
Plaintiff

v.

CITIZENS INSURANCE COMPANY OF
AMERICA

AND

BRANCH BANKING & TRUST,
Defendants

Civil Action No. 7:15-cv-00479

COMPLAINT TO RECOVER A SUM OWED UNDER A POLICY OF INSURANCE

1. The Plaintiff is a citizen of the Commonwealth of Virginia. The defendant is a corporation incorporated under the laws of the state of Michigan with its principal place of business in the state of Michigan. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

2. This action was originally filed in the Circuit Court of the City of Radford, Virginia and removed by Defendant Citizens Insurance Company of America (Citizens) to the United States District Court for the Western District of Virginia, Roanoke Division on diversity grounds. On March 5, 2015, this action was dismissed without prejudice on Plaintiff's Motion for Voluntary Dismissal. The Voluntary Dismissal Order placed two conditions upon the re-filing of this matter. Namely, that this matter be refilled in this court and that Plaintiff to pay Citizen's attorney's fees in the sum of \$2,500.00 prior to re-filing. Said Payment has been made and this action is being re-filed in the proper court within 6 months following the entry of the Voluntary Dismissal Order.

3. Parvinder Sethi is the named insured of defendant Citizen's Insurance Policy No. HPR

2967171, covering plaintiff's residence at 1203 Milton Lane, Radford, Virginia, which property is owned by Plaintiff in his name alone, being the property conveyed to him by Donald Madison Hall by deed dated August 3, 2005, and which appears of record in the City of Radford Circuit Court as Instrument Number 0501023. The aforesaid policy was issued on the 2nd day of May, 2012 by Defendant which Plaintiff had secured through Defendant's agent, Hicar Inc., T/A Hill Insurance Agency. Said policy had an initial term of one (1) year, expiring on the 2nd day of May, 2013, and contained the following coverages:

A. Dwelling	\$325,000.00
B. Other Structures	\$32,500.00
C. Personal Property	\$243,750.00
D. Loss of use	\$97,500.00
E. Personal Liability	\$500,000.00 each occurrence
F. Medical Pay to others	\$2,000.00 each person

A copy of said policy and Declaration to said policy are attached hereto as "Exhibit A" and "Exhibit B" respectively and which are made part hereof.

4. On the date of the covered loss, said policy had been renewed, and premiums had paid and Insurance coverage was in place as set forth in "Exhibit B".

5. Branch Banking & Trust has a security Interest in the subject property and is identified as a mortgagee on the policy. As such, Branch Banking & Trust is entitled to notice of this action and is being named as a Defendant in order to protect their interest.

6. On or about the 16th day of August, 2012 the dwelling covered by said policy and the personal property contained therein were damaged by a water leak within the plumbing system in the residence located upon the subject property.

7. Plaintiff immediately gave notice to Hicar Inc., T/A Hill Insurance Agency his insurance agent and Defendant in regards to the water damage to his home and contents.

8. As a result of the water damage, plaintiff's home was damaged to the extent of \$125,751.96; Plaintiff's personal property therein was damaged to the extent of \$61,019.34. In

addition, Plaintiff suffered damages for the loss of use of his residence in the sum of \$27,102.38. Plaintiff's total insured loss is in the sum of \$213,873.68. Plaintiff's damages are more specifically set forth in the written Public Adjuster's Report which is attached hereto, made a part hereof and labeled Exhibits "C".

9. Plaintiff Demands this action be heard by a jury.

WHEREFORE, plaintiff, Parvinder Sethi, demands judgment against Defendants Citizen Insurance Company of America, in the amount of Two Hundred Thirteen Thousand Eight Hundred Seventy Three and 68/100 Dollars (\$213,873.68), with the interest at the rate of six percent 6% from the 12th day of September, 2012, until paid, and his costs expended in this action.

Parvinder Sethi

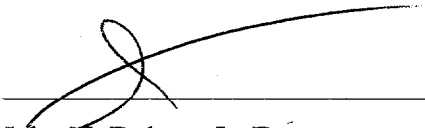
By: 

Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Complaint* was mailed to Mark C. Nanavati, Esq., SINNOT, NUCKOLS & LOGAN, P.C., 13811 Village Mill Drive, Midlothian, Virginia 23114 on this 4th day of September, 2015.


John N. Dalton, Jr, Esq.